

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

February 23, 2017

A meeting of the Kentucky Board of Respiratory Care was held on Thursday, February 23, 2017 at 5:30 p.m., at 2365 Harrodsburg Rd. Building B, Suite 215, Lexington, KY 40504

MEMBERS PRESENT

Pamela Boykin, RRT, Chair
Kathleen Kearney Schell, Vice Chair
Dr. James McCormick, MD
Dr. Alexander Tzouanakis, MD
Thomas Baxter, RRT
Robert Beaty, RRT
Ken McKenney, RRT

KBRC STAFF

Tamara G McDaniel, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

John Marcus Jones, AAG, Legal Counsel

The meeting was called to order at 5:40 p.m. by Pamela Boykin, Chair

Minutes

A motion was made by Mr. Baxter, Seconded by Dr. Tzouanakis to accept the meeting minutes of December 15, 2016. Motion carried. The Board reviewed the revised minutes of October 20, 2016.

Financial Statement

Ms. McDaniel presented the financial statements for December 2016 (FY 2017) and January 2017 (FY 2017). Ms. Schell made a motion to accept the financials; seconded by Dr. Tzouanakis. Motion carried unanimously.

Continuing Education

Nothing to report

Staff Report

Ms. McDaniel and Mr. Rose gave an update on activities since the last meeting.

Old Business

No old business

Complaints

Ms. Schell made a motion for the Board to go into closed session, pursuant to KRS 61.810(1) (c) and (j), to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Dr. McCormick and carried unanimously. Ms. Schell moved to come out of closed session; seconded by Dr. McCormick. Motion carried unanimously.

Agreed Orders – Compliant Cases

Samantha Adkins KY

Mr. Fingerson reported Samantha Adkins is compliant. No action on the case.

Aubrey Bryant

Mr. Fingerson reported Aubrey Bryant is compliant. No action on the case.

Joseph Cecil

Mr. Cecil has completed the terms of his agree order as of Jan. 3, 2017.

Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

Paul Elliott

Mr. Fingerson reported Paul Elliott is compliant. No action on the case.

Shannon Keys

Mr. Fingerson reported Shannon Keys is compliant. She is currently caught up on her payments. No action on the case.

Aaron Peter

Mr. Fingerson reported Aaron Peter is compliant. No action on the case.

Sara Sparks

Mr. Fingerson reported Sara Sparks is compliant. No action on the case.

Jill Stacy

Mr. Fingerson reported Jill Stacy is compliant. No action on the case.

Paul Sublett

Mr. Fingerson reported Paul Sublett is compliant. No action on the case.

James K. Thompson

Confirmation of his meetings with Dr. Beckham for December and January pursuant to his Agreed Order. No Action on the case

Tara Wenzel

Mr. Fingerson reported Tara Wenzel is compliant. No action on the case.

KYPRN Cases – Review or Actions Needed

April Dawn Hall

Mr. Fingerson reported April Dawn Hall has missed five phone calls. After review of Ms. Hall's file, a motion was made by Ms. Schell seconded by Mr. Beaty to take no action at this time. Ms. Hall is to finish out the terms of her agreed order on March 23, 2017. Motion carried unanimously.

Aaron Pyke

Mr. Fingerson reported that Aaron Pyke has missed two phone calls. A motion was made by Ms. Schell seconded by Mr. Beaty to have legal counsel draft a letter to Mr. Pyke reminding him of his obligations according to his Agreed Order and KYPRN contract. Motion carried unanimously.

Tara Wenzel

Ms. Wenzel submitted an application for reinstatement. A motion was made by Ms. Schell, seconded by Mr. Beaty that Ms. Wenzel be reinstated under the following conditions: That she be held to the provisions of her Agreed Order dated August 5, 2016. That she submit a completed Application for Reinstatement with the fee of \$180. That she complete twenty four (24) hours of continuing education and attach certificates of completion with the reinstatement application. Motion carried unanimously.

Complaint Cases - Updates or Actions Needed

A. Patrick Spalding, KY # 2041

Mr. Jones presented the Board with a revised Agreed Order of voluntary surrender. A motion was made by Ms. Schell, seconded by Mr. Beaty to approve the revised Agreed Order. Motion carried unanimously.

B. Timothy Cassity KY #5647

A motion was made by Ms. Schell, seconded by Mr. Beaty to draft a letter to Timothy Cassity through his attorney, Brian Good with the following offer: an Agreed Order with the following conditions: That Mr. Cassity serve a 6 month probation in which time he shall have no patient contact. In the probationary period there will be random visits by a Board representative. That he complete 3 continuing education courses relating to either sexual harassment or observing professional boundaries and an administrative fine of \$1,000 to be paid before the end of the probationary period. Motion carried unanimously.

C. Kimberly Burton Johnson KY#5409

The Board reviewed a complaint filed by Kindred Hospital in Louisville, KY and the response to the complaint from Ms. Johnson. A motion was made by Ms. Schell, seconded by Mr. Beaty to draft an Agreed Order with the following terms: Six months suspension of the mandatory certificate # 5409, starting May 1, 2017 and ending on October 31, 2017 and an administrative fine of \$4,000 to be paid before the end of the suspension period. Motion carried unanimously. Board member Ken McKinney recused from all discussion and voting.

D. Jason Rigsby #5553

The Board reviewed the self-reported misdemeanor of Mr. Rigsby. A motion was made by Ms. Schell, seconded by Mr. Beaty to take no action. Motion carried unanimously.

E. Elizabeth Severs #5847

The Board reviewed a letter from the New Jersey State Board of Respiratory Care regarding Ms. Severs disciplinary action at Caldwell Medical Center in Princeton KY. A motion was made by Ms. Schell, seconded by Mr. Beaty to send a notice of complaint to Ms. Severs and await her response. Motion carried unanimously.

F. Diana Rodriguez-Batista #7787

The Board reviewed the case of Ms. Rodriguez-Batista, working without proper certification. A motion was made by Ms. Schell, seconded by Mr. Beaty to draft an Agreed Order with the following terms: A \$500 fine payable on or before June 1, 2017. Motion carried unanimously.

Non Audit Renewals – Non Compliant

A motion was made by Dr. Tzouanakis, seconded by Mr. McKenney to draft Agreed Orders to the listed therapists who were non audited renewals and had non compliant Continuing Education Units (CEUs). The terms of the Agreed Order is as follows: To pay a \$250 fine on or before June 1, 2017 and to obtain double the amount of CEUs as was the individual deficiency. Tivetta Aldridge #7175, Shirley Brown #1246, Janet Cook #0142, Larissa Crumbo # 7290, Patrick Crutchfield # 7459, Angel Duncan #7311, Sonja Estes #2469, Heather French #6801, Awilda Green #2337, Sarah McGlone #6525, Marlena Newman #6914, Amy Nowicki # 7421, Angela Pattengale # 4516, Angela Thornhill #7431, James Thornhill # 7430, Ashley Wright # 7444. Motion carried unanimously.

The Board agreed to allow Amy Collinsworth #4607 to apply for CEU approval of an advance level college course that she attended in 2016. With approval of this course Ms. Collinsworth will be compliant with her CEUs.

Non-Compliant Audited Practitioners

A motion was made by Mr. Beaty seconded by Dr. Tzouanakis to draft Agreed Orders for all audited practitioners who are non-compliant after the deadline of March 1, 2017. The terms of the Agreed Order will be as follows: To pay a \$500 fine on or before June 1, 2017 and to obtain double the amount of CEUs as was the individual deficiency. Motion carried unanimously.

Correspondence – FYI

KY mileage reimbursement rate for January 1 – March 31, 2017 is \$0.40 per mile

A copy of the notices sent on January 31, 2017 to audited practitioners was provided for the Board.

A copy of the approved meeting dates for 2017 were given to the Board.

New Business

A question was posed to the Board regarding the opinion statement on our website. Specifically the opinion on delivery, setup, and demonstration of respiratory care equipment in the home by unlicensed/non-certified personnel - Set up and administration of home oxygen. The Board stands by the opinion statement as written.

A question was brought before the Board if it is within the RT scope of practice to process to the pharmacy, verbal and written orders from physicians. The Board feels this is within the Respiratory Therapist's scope of practice.

Application Review

A motion was made by Mr. Beaty to accept all 72 applications since the last meeting; seconded by Dr. McCormack. Motion carried unanimously.

The following **Student applications (16)** were approved:

Jasmine Dollarhyde, Allison Evans, Mason Gregory, Sierra lake, Keely Parker, Brenda Forbear, Sydney McDaniel, Summer Wathen, Hannah Rhorer, Jessica Tinsley, Jocelyn Molina, Tierra Samuel, Anthony Rivera, Saira Kekic, Kristan Locker.

The following **Temporary application (2)** were approved:

Allison Brake, Heidi Laughlin.

The following **Mandatory applications (54)** were approved:


Marta Weaver, Alma Clark, Chelsea Lawson, Whitney Carroll, Joseph Britt, Abigail Reardon, Brian Weiner, David Greutman, Candy Craft, Ja'Quelva Gaines, Jimma Slone, Carrie Kimble, Jeremy Freeman, Emma Anderson, Amanda Standafer, Taye Alf, Diana Batista-Rodriguez, Chase Vance, Marquita Johnson, Ashley Ater, Hailey Helm, Hannah McCarty, Derek Hardin, Breanna Bevins, Jesseka Nicholson, Emily Olson, Amanda Thurman, Charlotte Davidson, Jessica Grooms, Syga Robinson, Gary Bennett, Charnesia Davis, Susanne Summers, Kimberly Munsey, Laurie Sparks, Ashley Sargent, Sabrina France, Natasha Johnson, Penninah Wood, Franisha Anderson, Pamela Schrader, Carla Bray, Stephanie Rideout, Elizabeth Shelton, Katherine Walker, Sarah Lewis, Coty Crowley, Stephanie Callahan, Sonja Parkes, Jarod Neukam, Sandra Clay, Jessica Yates, Katherine Beach, Elizabeth York.

Announcements

Ms. Boykin announced the next meeting is set for Thursday, April 20th, 2017 at 5:30 p.m., EST at the Board offices, 2365 Harrodsburg Rd, Lexington, KY.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by, Dr. McCormick seconded by Ms. Schell, to approve the payment of per diem, compensation, travel and honoraria for Board members. Motion carried unanimously. Ms. Schell made a motion to adjourn the meeting at 8:35 p.m.; seconded by Dr. Tzouanakis. Motion carried unanimously.


Pamela Boykin, RRT, Chair
KY Board of Respiratory Care